

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOYCE HAYTER, individually as  
*administrator ad prosequendum* for  
Edward Hayter, Jr.,

Plaintiff,

v.

ERIK DELIA, and JOHN DOES 1-12,

Defendants.

Civil Action No.: 2:12-CV-04008  
(DMC)(JAD)

ORDER

This matter having come before the Court during an in person initial conference held on February 4, 2013, by plaintiff Joyce Hayter, individually as *administrator ad prosequendum* for Edward Hayter, Jr. ("Plaintiff"), for an Order requiring the preservation of evidence pursuant to Fed. R. Civ. P. 26, and the Court having considered the parties' arguments, and for good cause shown,

IT IS on this 5<sup>th</sup> day of February, 2013,

**ORDERED THAT:**

1. Each party shall take all reasonable and necessary steps to preserve all evidence of any nature, whether electronic, hard-copy or otherwise, that may be relevant to this action; and
2. This Order shall apply to each party's computer(s), cell phone(s), smart phone(s) or any other repository of information to which either party had access or control; and

3. The term "evidence" shall include writings, records, files, correspondence, email, voicemail, text messages, electronic messages, telephone message records or logs, computers, hard drives, back-up drives, removable computer storage devices; and
4. The term "preserve" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be subject to discovery under the Federal Rules of Civil Procedure in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, deletion, shredding, incineration, wiping, relocation, migration, theft or alteration of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible.

**IT IS FURTHER ORDERED** that counsel for defendant Erik Delia ("Defendant") shall disseminate notice of this Order and of Defendant's obligation to preserve evidence to the individuals with whom Defendant resides and who have access to and/or control of any of the aforementioned evidence or repositories of information.

  
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JOSEPH A. DICKSON, U.S.M.J.

cc: Hon. Dennis M. Cavanaugh, U.S.D.J.